THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1949 of 2005

07-10-2005

Between:

The Joint Transport Commissioner & Secretary,

Regional Transport Authority, Khairatabad, Hyderabad & Others.

.....APPELLANTS

AND

Smt.Sutha Keethi.

.....RESPONDENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1949 OF 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

After arguing for a while, the learned counsel for the respondent submits that he would withdraw the writ petition being writ petition No.19730 of 2005.

The brief facts of the case are that husband and wife used the same Registration Number for running two vehicles. Both the vehicles, with same Registration Number, were seized by the authorities in Hyderabad itself on the same day. A criminal case was also registered before the Police Station, Punjagutta, under Section 420 of I.P.C. The charge sheet is yet to be filed. One of the contentions raised by the appellants is that the High Court should have not released the vehicle in view of the fact that a criminal case was being investigated by the Police and the Magistrate concerned had the power to consider the application for release of the vehicle of the writ petitioner.

Prima facie, we have seen that both the vehicles were seized on the same day in Hyderabad and the vehicles belong to husband and wife. Therefore, *prima facie,* the writ petitioner and her husband, both have played fraud. However, since the respondent/writ petitioner does not want to proceed with the writ petition, we dismiss the writ petition being writ petition No.19730 of 2005 as withdrawn and set aside the order passed by the learned Single Judge. If any application is made before the Magistrate for release of the vehicle, the fact of having filed a writ petition by the petitioner in this Court and the order passed by this Court in this Writ Appeal shall also be kept in view. The amount deposited by the writ petitioner may be refunded.

The Writ Appeal is accordingly disposed of. No order as to costs.

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(BILAL NAZKI, ACJ)

7th October 2005.

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(R.SUBHASH REDDY, J)

ajr